

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LUIS CALLE,

Index No. 16-CV-3929

Plaintiff,

ANSWER

- against -

MEATBALLS, INC. d/b/a MARONI CUISINE and
MICHAEL MARONI,

Defendants.

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Defendants MEATBALLS INC. d/b/a MARONI CUSINE and MICHAEL MARONI, by and through their attorneys, Law Offices of James P. Clark, P.C., hereby appears and answers the Complaint as follows:

1. DENY the truth of the allegations contained in Paragraph “1” of the Complaint and respectfully refer all questions of law to the Court.
2. ADMIT the truth of the allegations contained in Paragraph “2” of the Complaint.
3. DENY knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph “3” of the Complaint, except ADMIT that Mr. Maroni was featured on a Food Network television show.
4. DENY the truth of the allegations contained in Paragraph “4” of the Complaint.
5. DENY the truth of the allegations contained in Paragraph “5” of the Complaint.
6. DENY the truth of the allegations contained in Paragraph “6” of the Complaint.
7. DENY the truth of the allegations contained in Paragraph “7” of the Complaint.
8. DENY the truth of the allegations contained in Paragraph “8” of the Complaint, and respectfully refer all questions of law to the Court.

9. DENY the truth of the allegations contained in Paragraph “9” of the Complaint and respectfully refer all questions of law to the Court.

10. DENY knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “10” of the Complaint.

11. DENY the truth of the allegations contained in Paragraph “11” of the Complaint.

12. ADMIT the truth of the allegations contained in Paragraph “12” of the Complaint.

13. DENY the truth of the allegations contained in Paragraph “13” of the Complaint and respectfully refer all questions of law to the Court.

14. ADMIT the truth of the allegations contained in Paragraph “14” of the Complaint.

15. ADMIT the truth of the allegations contained in Paragraph “15” of the Complaint.

16. ADMIT the truth of the allegations contained in paragraph “16” of the Complaint.

17. DENY the truth of the allegations contained in paragraph “17” of the Complaint and respectfully refer all questions of law to the Court.

18. ADMIT the truth of the allegations contained in paragraph “18” of the Complaint.

19. ADMIT the truth of the allegations contained in paragraph “19” of the Complaint.

20. ADMIT the truth of the allegations contained in paragraph “20” of the Complaint.

21. DENY the truth of the allegations contained in paragraph “21” of the Complaint.

22. DENY the truth of the allegations contained in paragraph “22” of the Complaint.

23. DENY the truth of the allegations contained in paragraph “23” of the Complaint.

24. DENY the truth of the allegations contained in paragraph “24” of the Complaint.

25. DENY the truth of the allegations contained in paragraph “25” of the Complaint.

26. DENY the truth of the allegations contained in paragraph “26” of the Complaint and respectfully refer all questions of law to the Court.

27. DENY the truth of the allegations contained in paragraph “27” of the Complaint and respectfully refer all questions of law to the Court.

28. DENY the truth of the allegations contained in paragraph “28” of the Complaint.

29. DENY the truth of the allegations contained in paragraph “29” of the Complaint.

30. DENY the truth of the allegations contained in paragraph “30” of the Complaint.

31. REPEAT AND REALLEGE their answers to the allegations contained in paragraphs 1-30 of the Complaint as if fully set forth herein.

32. DENY the truth of the allegations contained in paragraph “32” of the Complaint and respectfully refer all questions of law to the Court.

33. DENY the truth of the allegations contained in paragraph “33” of the Complaint.

34. DENY the truth of the allegations contained in paragraph “34” of the Complaint.

35. DENY the truth of the allegations contained in paragraph “35” of the Complaint.

36. REPEAT AND REALLEGE their answers to the allegations contained in paragraphs “1” through “35” of the Complaint as if fully set forth herein.

37. DENY the truth of the allegations contained in paragraph “37” of the Complaint and respectfully refer all questions of law to the Court.

38. DENY the truth of the allegations contained in paragraph “38” of the Complaint.

39. DENY the truth or the allegations contained in paragraph “39” of the Complaint.

40. DENY the truth of the allegations contained in paragraph “40” of the Complaint.

41. REPEAT AND REALLEGE their answers to the allegations contained in paragraphs “1” through “40” of the Complaint as if fully set forth herein.

42. DENY the truth of the allegations contained in paragraph “42” of the Complaint and respectfully refer all questions of law to the Court.

43. DENY the truth of the allegations contained in paragraph “43” of the Complaint and respectfully refer all questions of law to the Court.

44. DENY the truth of the allegations contained in paragraph “44” of the Complaint.

45. REPEAT AND REALLEGE their answers to the allegations contained in paragraphs “1” through “44” of the Complaint as if fully set forth herein.

46. DENY the truth of the allegations contained in paragraph “46” of the Complaint and respectfully refer all questions of law to the Court.

47. DENY the truth of the allegations contained in paragraph “47” of the Complaint.

48. DENY the truth of the allegations contained in paragraph “48” of the Complaint and respectfully refer all questions of law to the Court.

49. DENY the truth of the allegations contained in paragraph “49” of the Complaint.

50. REPEAT AND REALLEGE their answers to the allegations contained in paragraphs “1” through “49” of the Complaint as if fully set forth herein.

51. DENY the truth of the allegations contained in paragraph “51” of the Complaint.

52. DENY the truth of the allegations contained in paragraph “52” of the Complaint.

53. DENY the truth of the allegations contained in paragraph “53” of the Complaint and respectfully refer all questions of law to the Court.

54. DENY the truth of the allegations contained in paragraph “54” of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

55. Plaintiff’s Complaint fails to state a claim against Defendants under the Fair Labor Standards Act.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

56. Plaintiff's Complaint fails to state a claim against Defendants under the New York Labor Law.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

57. Plaintiff's claims may be barred, in whole or in part, by the doctrines of waiver, estoppel and/or laches.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

58. Plaintiff's claims may be barred, in whole or in part, by Plaintiff's unclean hands.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

59. Plaintiff's claims are barred because he was fully and lawfully compensated under the FLSA and New York law.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

60. Defendant had no intention to violate any provision of the FLSA or the New York Labor Law. Therefore, Defendants did not willfully violate the FLSA or the New York Labor Law.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

61. Plaintiff's Complaint fails to state facts sufficient to entitle Plaintiff to an award of attorney's fees, punitive or liquidated damages.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

62. Although Defendants deny that they committed or had responsibility for any act that could support the recovery of punitive or liquidated damages, if and to the extent any such act is found to have been committed, recovery of punitive or liquidated damages is unwarranted.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

63. Defendant hereby gives notice of its intent to assert and rely on such other and further affirmative defenses that may become available to it during the course of discovery.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

64. Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.

WHEREFORE, Defendants Meatballs, Inc. d/b/a Maroni Cuisine and Michael Maroni request that judgment be rendered against Plaintiff dismissing this action in its entirety and awarding them costs, disbursements and such other and further relief as the Court deems to be appropriate.

Dated: Northport, New York
September 16, 2016

Respectfully submitted,

LAW OFFICES OF JAMES P. CLARK, P.C.

/s/

By: _____

James P. Clark (JPC-0824)
Attorneys for the Defendants
Meatballs Inc. d/b/a Maroni Cuisine, and
Michael Maroni
256 Main Street, Suite 202
Northport, New York 11768
(631) 261-1040 (Telephone)
(631) 956-9272 (Facsimile)